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7 Attorneys for Plaintiff: GEORGE CHAMPION III

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 GEORGE CHAMPION III,
12 Plaintiffs,
13
14 v.
15 JPMORGAN CHASE NATIONAL
CORPORATE SERVICES, INC.,
16 a New York corporation; and
DOES 1 - 100, inclusive,
17 Defendants.
18

Case No. 11-cv-01222-BTM-WVG

CLASS ACTION

**NOTICE OF VOLUNTARY DISMISSAL
OF ACTION WITH PREJUDICE
PURSUANT TO STIPULATION**

District Judge: Hon. Barry M. Moskowitz
Room/Floor: Room 15 / 5th Floor

Complaint Filed: April 29, 2011

19
20 TO THIS HONORABLE COURT, THE HONORABLE CLERK OF THE COURT, AND
21 ALL PARTIES:

22 PLEASE TAKE NOTICE that plaintiff GEORGE CHAMPION III ("Plaintiff")
23 respectfully submits this Notice of Voluntary Dismissal *With Prejudice* pursuant to Federal Rule
24 of Civil Procedure, Rule 41(a) ("Rule 41"). Rule 41 provides:

25 (A)(1). Subject to the provisions of Rule 23(e), of Rule 66, and of any statute
26 of the United States, an action may be dismissed by the plaintiff without order
27 of court (i) by filing a notice of dismissal at any time before service by the
28 adverse party of an answer or of a motion for summary judgment, whichever
first occurs, or (ii) by filing a stipulation of dismissal signed by all parties who

1 have appeared in the action. Unless otherwise stated in the notice of dismissal
2 or stipulation, the dismissal is without prejudice, except that a notice of
3 dismissal operates as an adjudication upon the merits when filed by a plaintiff
4 who has once dismissed in any court of the United States or of any state an
5 action based on or including the same claim.¹

6 Rule 41(a).

7 As the Court may properly take notice of its own file in this matter, there has been no
8 answer, motion for summary judgment, or motion for class certification filed in this case. As
9 such, Plaintiff has the right to dismiss this action.

10 Plaintiff and Defendant shall each bear their own costs and attorneys' fees.

11 Dated: July 5, 2011

12 DEL MAR LAW GROUP, LLP

13 By: s/John H. Donboli

14 John H. Donboli

15 Email: jdonboli@delmarlawgroup.com

16 DEL MAR LAW GROUP, LLP

17 Attorneys for Plaintiff

18 GEORGE CHAMPION III

19 Dated: July 5, 2011

20 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

21 By: s/Shannon Z. Petersen

22 Shannon Z. Petersen

23 Email: spetersen@sheppardmullin.com

24 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

25 Attorneys for Defendant

26 JPMORGAN CHASE NATIONAL CORPORATE
27 SERVICES, INC.

28 ¹ Rule 23 is inapplicable in this matter as it provides that the "court must approve any settlement, voluntary dismissal, or compromise of the claims, issues, or defenses of a **certified class**." Rule 23(e) (emphasis added). In this case, there has been no motion or any other attempt to certify a class.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA	COURT USE ONLY
<u>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):</u> JOHN H. DONBOLI (SBN: 205218) JL SEAN SLATTERY (SBN: 210965) Tel: (858) 793-6244 DEL MAR LAW GROUP, LLP Fax (858) 793-6005 2002 Jimmy Durante Blvd, Suite 100 Del Mar, CA 92014	
<u>SHORT CASE TITLE</u> CHAMPION v. J.P. MORGAN CHASE NATIONAL CORPORATE SERVICES, INC., et al.	Courtroom: 15/5 TH Floor Judge: Hon. Barry M. Moskowitz
<u>ATTORNEYS FOR PLAINTIFF</u> GEORGE CHAMPION III	Case No. 11-cv-01222-BTM-WVG

PROOF OF SERVICE

I, the undersigned, say: I am over 18 years of age, employed in the County of San Diego, California, and that I am not a party to the subject cause. My business address is 2002 Jimmy Durante Blvd., Suite 100, Del Mar, California 92014.

On July 5, 2011, I served the following document(s):

1. NOTICE OF VOLUNTARY DISMISSAL OF ACTION WITH PREJUDICE PURSUANT TO STIPULATION

by placing a copy thereof in a separate envelope for each addressee named hereafter and addressed as follows:

Shannon Z. Petersen, Esq.
 Norma Garcia Guillen, Esq.
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 HAMPTON LLP
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*Attorneys for Defendant: JP MORGAN
CHASE CORPORATE
SERVICES, INC.*

*Attorneys for Defendant: JP MORGAN
CHASE CORPORATE SERVICES, INC.*

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1 (X) **BY ELECTRONIC FILING.** I caused all of the pages of the above-entitled
2 document(s) to be electronically filed and served on designated recipients through the
3 Electronic Case Filing System for the above-entitled case. The Case Filing Receipt will
be maintained with the original document(s) in our office.

4 (X) **BY MAIL.** I am familiar with this firm's practice of collection and processing
5 correspondence for mailing with the United States Postal Service, and that the
6 correspondence shall be deposited with the United States Postal Service this same day in
the ordinary course of business pursuant to Code of Civil Procedure §1013a.

7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct.

9 Executed on July 5, 2011

/s/ John H. Donboli

John H. Donboli